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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Michael Andrew de Rooij, et al. : Confirmation No. 7087
Serial No. 10/650,144 : Group Art Unit: 3742
Filed: August 26, 2003 : Examiner: Daniel L. Robinson
For DUAL COIL INDUCTION HEATING :
SYSTEM

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated June 29, 2005, claims 1-20 were indicated as pending and were subject to a restriction requirement. The claims were grouped as follows:

- I. Claims 1-11 drawn to a dual coil induction cooking system;
- II. Claims 12-16 drawn to a dual coil heating system;
- III. Claim 17 drawn to a dual coil induction cooking system with two series resonant circuits;
- IV. Claims 18-20 drawn to a method of coupling power to a load.

Applicants note that a restriction requirement identical to the current restriction requirement was issued in the previous Office Action dated April 1, 2005. In response to the Office Action of April 1, 2005, Applicants included the present response and election. Notwithstanding Applicants' response and election however, the subject Office Action

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including the present restriction requirement was then subsequently received. Applicants once again respectfully traverse the restriction requirement as currently specified for at least the following reasons.

Claim 1 is drawn to a dual coil induction cooking system and recites:

**A FIRST RESONANT CIRCUIT...
A SECOND RESONANT CIRCUIT, WIRED IN A PARALLEL COMBINATION
WITH THE FIRST RESONANT CIRCUIT...; AND
A POWER SOURCE FOR POWERING THE PARALLEL COMBINATION...**

Similarly, claim 17 is also drawn to a dual coil induction cooking system and recites:

**A FIRST SERIES RESONANT CIRCUIT...
A SECOND SERIES RESONANT CIRCUIT..., THE SECOND SERIES
RESONANT CIRCUIT WIRED IN A PARALLEL CIRCUIT...; AND
A FREQUENCY SOURCE WIRED TO THE PARALLEL CIRCUIT...**

Thus in both claims 1 and 17, two resonant circuits are wired in parallel. In claim 17 the first and second resonant circuits (which are wired in parallel) are stated to be series circuits. As was discussed in a telephone call with the Examiner on April 28, 2005 by Applicants' representative, Applicants believe that at the very least claim 17 of Group III should be grouped with claims 1-11 of Group I. Furthermore, it is Applicants' position that independent claim 1 should be considered to be generic despite the indication that no claims were generic. Nonetheless, Applicants are required to make an election based upon the current groupings and therefore elect to prosecute the claims of Group I.

The Action further stated that the application contained claims directed to a patentably distinct species A (parallel circuitry) and species B (series circuitry). Once again, Applicants submit that the recitation of series circuits and parallel circuits in claims 1-11 and 17 should not be treated as distinct species. For example, in accordance with MPEP § 806.04(f), claims that are to be restricted to different species must be mutually exclusive. The general test as to when the claims are restricted, respectively, to different

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species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, *while* a second claim recites limitations disclosed only for the second species and not the first. In claims 1-11 and 17, the parallel circuits and series circuits are **not** mutually exclusive. For example, as shown in Fig 1, series circuits 12 and 14 are combined in a parallel arrangement. Thus, Applicant is unable to elect a species at this time as Applicant cannot, without additional guidance from the Examiner, understand how claims 1-11 and 17 can be considered to be distinct species.

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application. If the Examiner has any questions regarding the present patent application, the Examiner is invited to call Applicant's attorney.

Respectfully submitted,



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8/26/05

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